

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

WINFORD P. CHEEKS, JR.,

Plaintiff,

v.

OCWEN LOAN SERVICING LLC,  
OCWEN FINANCIAL  
CORPORATION, MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, SATISH KUNBI,  
ABHIJEET PEDMAKER, AMIT  
MISHRAH, TANKA JAIN, MAHESH  
MISHRAH, ALL RELATIONSHIP  
MANAGERS FOR OCWEN LOAN  
SERVICING, LLC, RICHARD B.  
MANOR, P.C., AND NICOLE  
GOLSON, AGENTS OF OCWEN,  
OCWEN LOAN SERVICING, LLC,  
SUCCESSOR TO LITTON LOAN  
SERVICING, L.P., SERVICING  
AGENT FOR HSBC BANK USA,  
NATIONAL ASSOCIATION, AS  
TRUSTEE FOR THE BENEFIT OF  
THE CERTIFICATE HOLDERS OF  
NOMURA HOME EQUITY LOAN,  
INC., ASSET BACKED  
CERTIFICATES, SERIES 2006-FM-2

Defendants.

CIVIL ACTION

NO. 2:13-cv-00197-WCO

**ORDER**

The court has before it for consideration defendant Richard B. Maner, P.C.'s  
motion to dismiss as to the claims against Richard B. Maner, P.C. and Nicole Golson

for failure to state a claim [15] and the remaining defendants' motion to dismiss [17]. Plaintiff, proceeding *pro se*, claims that defendants collectively engaged in a fraudulent foreclosure scheme. (*See* Am. Compl. ¶ 6. ECF No. 7.) Plaintiff did not file a response to either motion to dismiss.

A motion is deemed to be unopposed if a party fails to file a response. *See* LR 7.1(B), NDGa. The court is satisfied that plaintiff had the opportunity to file a response to the pending motions, even in light of plaintiff's past issues with counsel. (*See* Order, ECF No. 14.) Defendants mailed copies of their motions to plaintiff's address, and plaintiff still failed to respond. (*See* Mot. Dismiss 8, ECF No. 15; Mot. Dismiss 5, ECF No. 17.) Nonetheless, the court reviewed the pending motions and has determined that defendants would have prevailed even if plaintiff had filed a response to their motions to dismiss. Therefore, defendants' motions to dismiss [15, 17] are hereby **GRANTED**.

IT IS SO ORDERED, this 4<sup>th</sup> day of December, 2013.

s/William C. O'Kelley

William C. O'Kelley

Senior United States District Judge